

REMARKS

In the Office Action dated July 5, 2006, the Examiner rejects pending claims 1 through 3, 6 through 9, 12 through 14 and 17 through 20 under 35 U.S.C. 102(e) as anticipated by U.S. Patent No. 6,401,118 to Thomas ("Thomas"). Applicant respectfully traverses these rejections and requests that these rejections be withdrawn for at least the reasons presented below, in addition to those reasons present in the prior Response to Office Action dated May 8, 2006.

Thomas discusses an online monitoring search engine involving receiving search criteria from a user, searching the Internet, downloading offending contents, and then archiving and scoring the contents. Abstract; Col. 2, lns. 15-25. Upon entry of search criteria from a user, the system searches the Internet for URL's that specify sites which contain contents matching the search criteria. Col. 15, ln. 31 - Col. 16, ln. 40. After the list of URL's containing probable infringements is obtained, the pages of each URL are downloaded, archived and scored. Abstract; Col. 2, lns. 15-25. The method then produces a report listing the offending URL's and the score for each of the URL's. Col. 2, lines 15-27; Col. 16, ln. 41 - Col. 18, ln. 64. Further scoring are done on page elements that allows anything resident on a page or in the underlying HTML code that formats the page to be numerically weighted. Col. 9, lines 10 through 16. A full archive of pages is done to storage media of file system. Col. 9, lns 54-57. In order to archive each webpage, the "inline" contents of the page must be separated from the non-inline contents. Col. 9, lns. 55 - 62. A final report may be generated for the client including a refined list of URL's. Col. 11, lns. 44 - 52.

By contrast to Thomas, independent claim 1 of the present application describes a method for providing at least one search result responsive to a search query comprising at least one search query term. The method comprises parsing a set of pages for a plurality of text and non-text indexable elements, storing the plurality of text and non-text indexable elements in a computer readable medium as a plurality of records and receiving the search query to request a stored record. Said plurality of records is searched to determine text and non-text indexable elements that correspond to the search query. At least one text element representation of said query result is transmitted to a user, as well as at least one non-text element representation of said query result transmitted to said user.

Thomas fails to teach or suggest the elements comprising independent claim 1. Indeed, Applicant asserts that Thomas is non-analogous art and fails to contain any discussion of a method for providing at least one search result responsive to a search query comprising at least one search query term, as claimed. Thomas instead discusses, as indicated above, systems and methods that allow “an organization, company, or the like to monitor the Internet (or any other network) for violations of their intellectual property (e.g., patent, trademark or copyright infringement), or monitor how persons on the Internet view their business, products and/or services.” Abstract.

In order to anticipate a claim, each and every element as set forth in the claim must be found, either expressly or inherently, in a single prior art reference. *See* MPEP §2131. Thomas fails to teach or suggest transmitting, in addition to other shortcomings, transmitting at least one text element representation of a query result to a user and transmitting at least one non-text element representation of the query result to

said user. The Examiner indicates that Fig. 3, step 322, and the accompanying text discuss this element. Applicant respectfully disagrees as, upon closer review of this section, step 322 discusses the use of a report of offending web sites so that a client can take legal action against the operators of a given offending web site as they see fit. The report of Thomas discussed at step 322 and the accompanying text fails to anticipate transmitting at least one text element representation of a query result to a user and transmitting at least one non-text element representation of the query result to the user as claimed by independent claim 1.

Specifically, Thomas discusses the assignment of a numeric weight to page elements as a part of processing step. Col. 9, lines 10 through 20. Thomas further discusses the archiving of pages, whereby “inline” contents of a page (e.g. any text, sounds, images) found directly on the webpage and “non-inline” contents of a page (the links that web pages contain to other websites), must be separately stored. Col. 9, lines 54 through 61. A report is generated to be displayed to a user. Contrary to the Examiner’s suggestion, the report does not include the transmission to a user of any text or non-text element representation of a query result.

At best, Thomas discusses generating a report that contains a series of URLs and information about page content. This is distinguishable from independent claim 1 of the present application, which comprises transmitting at least one text element representation of a query result to a user and at least one non-text element representation of the query result to the user. Col. 11, lns. 44 - 51, and Col. 17, lns. 54 - 65. Consequently, the list of URL’s and generation of a final report as discussed in Thomas does not teach or suggest transmitting at least one text element representation of said

query result to a user and transmitting at least one non-text element representation of said query result to said user, as recited by independent claim 1. Indeed, Applicant respectfully asserts that Thomas is silent on this point and that the portions upon which the Examiner is relying clearly do not cover the claimed elements.

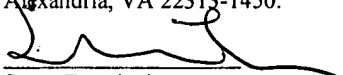
Independent claim 12 is directed towards a system that is substantially similar to the method of independent claim 1 and is therefore allowable for at least the same reasons as given in connection with independent claim 1. Independent claims 7 and 18 also comprise elements directed towards representations of text and non-text indexable elements, and are therefore also allowable for at least the reasons presented in connection with independent claim 1. Accordingly, Applicant respectfully requests withdrawal of the rejection of the independent claims and allowance of the same.

The dependent claims of the present application contain additional features that further substantially distinguish the invention of the present application over Thomas and the prior art of record. Given the applicants' position on the patentability of the independent claims, however, it is not deemed necessary at this point to delineate such distinctions.

For at least all of the above reasons, Applicants respectfully request that the Examiner withdraw all rejections and objections, and allowance of all the pending claims is respectfully solicited. To expedite prosecution of this application to allowance, the examiner is invited to call the Applicants' undersigned representative to discuss any issues relating to this application.

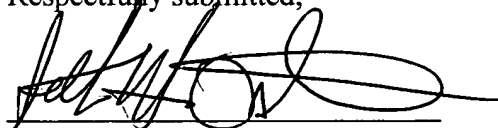
Dated: October 4, 2006

I hereby certify that the correspondence attached herewith is being deposited this date with the U.S. Postal Service as First Class Mail with sufficient postage addressed to Mail Stop: Amendment, Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450.


Susan Formicola

10/4/2006
Date

Respectfully submitted,



Seth H. Ostrow
Reg. No. 37,410
DREIER LLP
499 Park Ave.
New York, New York 10022
Tel : (212) 328-6000
Fax: (212) 328-6001

Customer No. 61834